

1
2
3
4
5
6
7 OWEN DIAZ,
8 Plaintiff,
9 v.
10 TESLA, INC., et al.,
11 Defendants.

1
2
3
4
5
6
7
8 Case No. 3:17-cv-06748-WHO
9
10 PROPOSED
11 VERDICT FORM

12
13 We, the Jury, find as follows:

14 1. **Was Owen Diaz subjected to a racially hostile work environment by Tesla, Inc.?**
15 (Instruction Nos. 27–34).

16
17 _____ YES _____ NO

18 If you answered “yes,” proceed to the next question. If you answered “no,” proceed to
19 question 4.

20
21 2. **Was Tesla, Inc., a joint employer of Owen Diaz?** (Instruction No. 25)

22
23 _____ YES _____ NO

24
25 If you answered “yes,” proceed to the next question. If you answered “no,” answer
26 question 4.

United States District Court
Northern District of California

3. Did Owen Diaz prove all of the elements of:

A. Hostile work environment caused by a supervisor (Instruction No. 30) _____ YES _____ NO

B. Hostile work environment caused by a _____ YES _____ NO
non-immediate supervisor or co-worker

Answer the next question.

4. Did Owen Diaz prove all of the elements of liability based on civil rights violation in a contractual relationship? (Instruction No. 38)

YES NO

Answer the next question.

5. Did Tesla, Inc., fail to take all reasonable steps necessary to prevent Owen Diaz from being subject to racial harassment? (Instruction No. 35)

YES NO

Answer the next question.

6. Did Tesla, Inc.'s negligent supervision or continued employment of Ramon Martinez cause harm to Owen Diaz? (Instruction No. 36)

YES NO

If you answered “yes” to either question 3, 4, 5, or 6 answer the next question. If you answered “no” to all of those questions, the jury foreperson should sign, date, and return this jury questionnaire.

DAMAGES

(Instruction Nos. 39–42)

7. What past non-economic damages did Owen Diaz sustain as a result of Tesla, Inc.'s unlawful conduct?

\$ _____

Go to the next question.

8. What future non-economic damages is Owen Diaz likely to sustain as a result of Tesla, Inc.'s unlawful conduct?

\$

PUNITIVE DAMAGES FOR CIVIL RIGHTS CLAIMS

(Instruction No. 41)

9. You may only award punitive damages for the reasons discussed in Instruction No. 41, that is, if you find that the defendant's conduct that harmed the plaintiff was malicious, oppressive or in reckless disregard of the plaintiff's rights. Do you find by a preponderance of the evidence that Owen Diaz is entitled to punitive damages against Tesla Inc. for either creating a hostile work environment based on race, and/or failing to prevent harassment based on race in the workplace?

YES NO

If you answered “yes” to question 9, answer the next question. If you answered “no,” sign date and return this juror questionnaire.

10. What amount of punitive damages do you award to Owen Diaz?

\$ _____

When you have reached your verdict, the jury foreperson should sign and date this form and contact the courtroom deputy, Ms. Davis.

DATED: _____

JURY FOREPERSON